

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1096

Introduced by Assembly Member Chiu

February 27, 2015

An act to amend Sections ~~406 and 12804.9 of~~, 406, 12804.9 and 21207.5 *of*, to add Sections 312.5 and 21213 to, and to repeal Section 24016 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1096, as amended, Chiu. Vehicles: electric bicycles.

Existing law defines a “motorized bicycle” or a “moped” as a ~~two-wheeled or three-wheeled~~ *2-wheeled or 3-wheeled* device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and motor, as specified.

Existing law also defines a “motorized bicycle” as a device that has fully operative pedals for propulsion by human power and has an electric motor that meets specified requirements. Existing law requires a motorized bicycle, as described by this definition, to comply with specified equipment and manufacturing requirements. Existing law also imposes specified requirements relating to the operation of bicycles. A violation of the Vehicle Code is a crime.

This bill would delete the ~~2nd~~ *latter* definition of “motorized bicycle” and its ~~applicable~~ *related* requirements. The bill would define an “electric bicycle” as a bicycle with fully operable pedals and an electric motor of less than 750 watts, and would create 3 classes of electric

bicycles, as specified. *The bill would require manufacturers or distributors of electric bicycles to affix a label to each electric bicycle that describes its classification number, top assisted speed, and motor wattage.* The bill would require a person riding an electric bicycle to comply with the above-described requirements relating to the operation of bicycles. The bill would prohibit persons under 14 years of age from operating a class 3 electric bicycle. The bill would also require persons operating, or riding upon, a class 3 electric bicycle to wear a helmet, as specified. *The bill would prohibit the operation of a class 3 electric bicycle on specified paths, lanes, or trails, unless that operation is authorized by a local ordinance.* The bill would also authorize a local authority or governing body to prohibit, by ordinance, the operation of class 1 or class 2 electric bicycles on specified paths or trails. The bill would also make conforming changes.

Because the bill would create new requirements regarding electric bicycles, the violation of which would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 312.5 is added to the Vehicle Code, to
2 read:
3 312.5. (a) An “electric bicycle” is a bicycle equipped with
4 fully operable pedals and an electric motor of less than 750 watts.
5 (1) A “class 1 electric bicycle,” or “low-speed pedal-assisted
6 electric bicycle,” is a bicycle equipped with a motor that provides
7 assistance only when the rider is pedaling, and that ceases to
8 provide assistance when the bicycle reaches the speed of 20 miles
9 per hour.
10 (2) A “class 2 electric bicycle,” or “low-speed throttle-assisted
11 electric bicycle,” is a bicycle equipped with a motor that may be
12 used exclusively to propel the bicycle, and that is not capable of

1 providing assistance when the bicycle reaches the speed of 20
2 miles per hour.

3 (3) A “class 3 electric bicycle,” or “speed pedal-assisted electric
4 bicycle,” is a bicycle equipped with a motor that provides
5 assistance only when the rider is pedaling, and that ceases to
6 provide assistance when the bicycle reaches the speed of 28 miles
7 per hour, and equipped with a speedometer.

8 (b) A person riding an electric bicycle, as defined in this section,
9 is subject to Article 4 (commencing with Section 21200) of this
10 code.

11 (c) *On and after January 1, 2017, manufacturers and*
12 *distributors of electric bicycles shall apply a label that is*
13 *permanently affixed, in a prominent location, to each electric*
14 *bicycle. The label shall contain the classification number, top*
15 *assisted speed, and motor wattage of the electric bicycle, and shall*
16 *be printed in Arial font in at least 9-point type.*

17 SEC. 2. Section 406 of the Vehicle Code is amended to read:

18 406. (a) A “motorized bicycle” or “moped” is a two-wheeled
19 or three-wheeled device having fully operative pedals for
20 propulsion by human power, or having no pedals if powered solely
21 by electrical energy, and an automatic transmission and a motor
22 that produces less than 4 gross brake horsepower and is capable
23 of propelling the device at a maximum speed of not more than 30
24 miles per hour on level ground.

25 (b) Every manufacturer of a motorized bicycle or moped, as
26 defined in this section, shall provide a disclosure to buyers that
27 advises buyers that their existing insurance policies may not
28 provide coverage for these bicycles and that they should contact
29 their insurance company or insurance agent to determine if
30 coverage is provided. The disclosure shall meet both of the
31 following requirements:

32 (1) The disclosure shall be printed in not less than 14-point
33 boldface type on a single sheet of paper that contains no
34 information other than the disclosure.

35 (2) The disclosure shall include the following language in capital
36 letters:

37 “YOUR INSURANCE POLICIES MAY NOT PROVIDE
38 COVERAGE FOR ACCIDENTS INVOLVING THE USE OF
39 THIS BICYCLE. TO DETERMINE IF COVERAGE IS

1 PROVIDED YOU SHOULD CONTACT YOUR INSURANCE
2 COMPANY OR AGENT.”

3 SEC. 3. Section 12804.9 of the Vehicle Code is amended to
4 read:

5 12804.9. (a) (1) The examination shall include all of the
6 following:

7 (A) A test of the applicant’s knowledge and understanding of
8 the provisions of this code governing the operation of vehicles
9 upon the highways.

10 (B) A test of the applicant’s ability to read and understand
11 simple English used in highway traffic and directional signs.

12 (C) A test of the applicant’s understanding of traffic signs and
13 signals, including the bikeway signs, markers, and traffic control
14 devices established by the Department of Transportation.

15 (D) An actual demonstration of the applicant’s ability to exercise
16 ordinary and reasonable control in operating a motor vehicle by
17 driving it under the supervision of an examining officer. The
18 applicant shall submit to an examination appropriate to the type
19 of motor vehicle or combination of vehicles he or she desires a
20 license to drive, except that the department may waive the driving
21 test part of the examination for any applicant who submits a license
22 issued by another state, territory, or possession of the United States,
23 the District of Columbia, or the Commonwealth of Puerto Rico if
24 the department verifies through any acknowledged national driver
25 record data source that there are no stops, holds, or other
26 impediments to its issuance. The examining officer may request
27 to see evidence of financial responsibility for the vehicle prior to
28 supervising the demonstration of the applicant’s ability to operate
29 the vehicle. The examining officer may refuse to examine an
30 applicant who is unable to provide proof of financial responsibility
31 for the vehicle, unless proof of financial responsibility is not
32 required by this code.

33 (E) A test of the hearing and eyesight of the applicant, and of
34 other matters that may be necessary to determine the applicant’s
35 mental and physical fitness to operate a motor vehicle upon the
36 highways, and whether any grounds exist for refusal of a license
37 under this code.

38 (2) (A) Before a class A or class B driver’s license, or class C
39 driver’s license with a commercial endorsement, may be issued
40 or renewed, the applicant shall have in his or her driver record a

1 valid report of a medical examination of the applicant given not
2 more than two years prior to the date of the application by a health
3 care professional. As used in this paragraph, “health care
4 professional” means a person who is licensed, certified, or
5 registered in accordance with applicable state laws and regulations
6 to practice medicine and perform physical examinations in the
7 United States. Health care professionals are doctors of medicine,
8 doctors of osteopathy, physician assistants, and registered advanced
9 practice nurses, or doctors of chiropractic who are clinically
10 competent to perform the medical examination presently required
11 of motor carrier drivers by the United States Department of
12 Transportation. The report shall be on a form approved by the
13 department. In establishing the requirements, consideration may
14 be given to the standards presently required of motor carrier drivers
15 by the Federal Motor Carrier Safety Administration.

16 (B) The department may accept a federal waiver of one or more
17 physical qualification standards if the waiver is accompanied by
18 a report of a nonqualifying medical examination for a class A or
19 class B driver’s license, or class C driver’s license with a
20 commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of
21 Subpart E of Part 391 of Title 49 of the Code of Federal
22 Regulations.

23 (3) A physical defect of the applicant that, in the opinion of the
24 department, is compensated for to ensure safe driving ability, shall
25 not prevent the issuance of a license to the applicant.

26 (b) In accordance with the following classifications, an applicant
27 for a driver’s license shall be required to submit to an examination
28 appropriate to the type of motor vehicle or combination of vehicles
29 the applicant desires a license to drive:

30 (1) Class A includes the following:

31 (A) Except as provided in subparagraph (H) of paragraph (3),
32 a combination of vehicles, if a vehicle being towed has a gross
33 vehicle weight rating or gross vehicle weight of more than 10,000
34 pounds.

35 (B) A vehicle towing more than one vehicle.

36 (C) A trailer bus.

37 (D) The operation of all vehicles under class B and class C.

38 (2) Class B includes the following:

1 (A) Except as provided in subparagraph (H) of paragraph (3),
2 a single vehicle with a gross vehicle weight rating or gross vehicle
3 weight of more than 26,000 pounds.

4 (B) A single vehicle with three or more axles, except any
5 three-axle vehicle weighing less than 6,000 pounds.

6 (C) A bus with a gross vehicle weight rating or gross vehicle
7 weight of more than 26,000 pounds, except a trailer bus.

8 (D) A farm labor vehicle.

9 (E) A single vehicle with three or more axles or a gross vehicle
10 weight rating or gross vehicle weight of more than 26,000 pounds
11 towing another vehicle with a gross vehicle weight rating or gross
12 vehicle weight of 10,000 pounds or less.

13 (F) A house car over 40 feet in length, excluding safety devices
14 and safety bumpers.

15 (G) The operation of all vehicles covered under class C.

16 (3) Class C includes the following:

17 (A) A two-axle vehicle with a gross vehicle weight rating or
18 gross vehicle weight of 26,000 pounds or less, including when the
19 vehicle is towing a trailer or semitrailer with a gross vehicle weight
20 rating or gross vehicle weight of 10,000 pounds or less.

21 (B) Notwithstanding subparagraph (A), a two-axle vehicle
22 weighing 4,000 pounds or more unladen when towing a trailer
23 coach not exceeding 9,000 pounds gross.

24 (C) A house car of 40 feet in length or less.

25 (D) A three-axle vehicle weighing 6,000 pounds gross or less.

26 (E) A house car of 40 feet in length or less or a vehicle towing
27 another vehicle with a gross vehicle weight rating of 10,000 pounds
28 or less, including when a tow dolly is used. A person driving a
29 vehicle may not tow another vehicle in violation of Section 21715.

30 (F) (i) A two-axle vehicle weighing 4,000 pounds or more
31 unladen when towing either a trailer coach or a fifth-wheel travel
32 trailer not exceeding 10,000 pounds gross vehicle weight rating,
33 when the towing of the trailer is not for compensation.

34 (ii) A two-axle vehicle weighing 4,000 pounds or more unladen
35 when towing a fifth-wheel travel trailer exceeding 10,000 pounds,
36 but not exceeding 15,000 pounds, gross vehicle weight rating,
37 when the towing of the trailer is not for compensation, and if the
38 person has passed a specialized written examination provided by
39 the department relating to the knowledge of this code and other

1 safety aspects governing the towing of recreational vehicles upon
2 the highway.

3 The authority to operate combinations of vehicles under this
4 subparagraph may be granted by endorsement on a class C license
5 upon completion of that written examination.

6 (G) A vehicle or combination of vehicles with a gross
7 combination weight rating or a gross vehicle weight rating, as
8 those terms are defined in subdivisions (j) and (k), respectively,
9 of Section 15210, of 26,000 pounds or less, if all of the following
10 conditions are met:

11 (i) Is operated by a farmer, an employee of a farmer, or an
12 instructor credentialed in agriculture as part of an instructional
13 program in agriculture at the high school, community college, or
14 university level.

15 (ii) Is used exclusively in the conduct of agricultural operations.

16 (iii) Is not used in the capacity of a for-hire carrier or for
17 compensation.

18 (H) Firefighting equipment, provided that the equipment is
19 operated by a person who holds a firefighter endorsement pursuant
20 to Section 12804.11.

21 (I) A motorized scooter.

22 (J) A bus with a gross vehicle weight rating or gross vehicle
23 weight of 26,000 pounds or less, except a trailer bus.

24 (K) Class C does not include a two-wheel motorcycle or a
25 two-wheel motor-driven cycle.

26 (4) Class M1. A two-wheel motorcycle or a motor-driven cycle.
27 Authority to operate a vehicle included in a class M1 license may
28 be granted by endorsement on a class A, B, or C license upon
29 completion of an appropriate examination.

30 (5) (A) Class M2 includes the following:

31 (i) A motorized bicycle or moped, or a bicycle with an attached
32 motor.

33 (ii) A motorized scooter.

34 (B) Authority to operate vehicles included in class M2 may be
35 granted by endorsement on a class A, B, or C license upon
36 completion of an appropriate examination, except that no
37 endorsement is required for a motorized scooter. Persons holding
38 a class M1 license or endorsement may operate vehicles included
39 in class M2 without further examination.

1 (c) A driver's license or driver certificate is not valid for
2 operating a commercial motor vehicle, as defined in subdivision
3 (b) of Section 15210, any other motor vehicle defined in paragraph
4 (1) or (2) of subdivision (b), or any other vehicle requiring a driver
5 to hold any driver certificate or any driver's license endorsement
6 under Section 15275, unless a medical certificate approved by the
7 department that has been issued within two years of the date of
8 the operation of that vehicle and a copy of the medical examination
9 report from which the certificate was issued is on file with the
10 department. Otherwise, the license is valid only for operating class
11 C vehicles that are not commercial vehicles, as defined in
12 subdivision (b) of Section 15210, and for operating class M1 or
13 M2 vehicles, if so endorsed, that are not commercial vehicles, as
14 defined in subdivision (b) of Section 15210.

15 (d) A license or driver certificate issued prior to the enactment
16 of Chapter 7 (commencing with Section 15200) is valid to operate
17 the class or type of vehicles specified under the law in existence
18 prior to that enactment until the license or certificate expires or is
19 otherwise suspended, revoked, or canceled. Upon application for
20 renewal or replacement of a driver's license, endorsement, or
21 certificate required to operate a commercial motor vehicle, a valid
22 medical certificate on a form approved by the department shall be
23 submitted to the department.

24 (e) The department may accept a certificate of driving skill that
25 is issued by an employer, authorized by the department to issue a
26 certificate under Section 15250, of the applicant, in lieu of a driving
27 test, on class A or B applications, if the applicant has first qualified
28 for a class C license and has met the other examination
29 requirements for the license for which he or she is applying. The
30 certificate may be submitted as evidence of the applicant's skill
31 in the operation of the types of equipment covered by the license
32 for which he or she is applying.

33 (f) The department may accept a certificate of competence in
34 lieu of a driving test on class M1 or M2 applications, when the
35 certificate is issued by a law enforcement agency for its officers
36 who operate class M1 or M2 vehicles in their duties, if the applicant
37 has met the other examination requirements for the license for
38 which he or she is applying.

39 (g) The department may accept a certificate of satisfactory
40 completion of a novice motorcyclist training program approved

by the commissioner pursuant to Section 2932 in lieu of a driving test on class M1 or M2 applications, if the applicant has met the other examination requirements for the license for which he or she is applying. The department shall review and approve the written and driving test used by a program to determine whether the program may issue a certificate of completion.

(h) Notwithstanding subdivision (b), a person holding a valid California driver's license of any class may operate a short-term rental motorized bicycle without taking any special examination for the operation of a motorized bicycle, and without having a class M2 endorsement on that license. As used in this subdivision, "short-term" means 48 hours or less.

(i) A person under the age of 21 years shall not be issued a class M1 or M2 license or endorsement unless he or she provides evidence satisfactory to the department of completion of a motorcycle safety training program that is operated pursuant to Article 2 (commencing with Section 2930) of Chapter 5 of Division 2.

(j) A driver of a vanpool vehicle may operate with a class C license but shall possess evidence of a medical examination required for a class B license when operating vanpool vehicles. In order to be eligible to drive the vanpool vehicle, the driver shall keep in the vanpool vehicle a statement, signed under penalty of perjury, that he or she has not been convicted of reckless driving, drunk driving, or a hit-and-run offense in the last five years.

SEC. 4. Section 21207.5 of the Vehicle Code is amended to read:

21207.5. (a) Notwithstanding Sections 21207 and 23127 of this code, or any other ~~provision of law, no~~ a motorized bicycle ~~may or class 3 electric bicycle shall not~~ be operated on a bicycle path or trail, bikeway, bicycle lane established pursuant to Section 21207, equestrian trail, or hiking or recreational trail, unless it is within or adjacent to a roadway or unless the local authority or the governing body of a public agency having jurisdiction over ~~such~~ the path or trail permits, by ordinance, ~~such that~~ operation.

(b) *The local authority or governing body of a public agency having jurisdiction over a bicycle path or trail, equestrian trail, or hiking or recreational trail, may prohibit, by ordinance, the operation of a class 1 or class 2 electric bicycle on that path or trail.*

1 ~~SEC. 4.~~

2 *SEC. 5.* Section 21213 is added to the Vehicle Code, to read:

3 21213. (a) A person under 14 years of age shall not operate a
4 class 3 electric bicycle.

5 (b) A person shall not operate a class 3 electric bicycle, or ride
6 upon a class 3 electric bicycle as a passenger, upon a street,
7 bikeway, as defined in Section 890.4 of the Streets and Highways
8 Code, or any other public bicycle path or trail, unless that person
9 is wearing a properly fitted and fastened bicycle helmet that meets
10 the standards of either the American Society for Testing and
11 Materials (ASTM) or the United States Consumer Product Safety
12 Commission (CPSC), or standards subsequently established by
13 those entities. This helmet requirement also applies to a person
14 who rides upon a class 3 electric bicycle while in a restraining seat
15 that is attached to the bicycle or in a trailer towed by the bicycle.

16 ~~SEC. 5.~~

17 *SEC. 6.* Section 24016 of the Vehicle Code is repealed.

18 ~~SEC. 6.~~

19 *SEC. 7.* No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.